

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
v. ) Case Nos. 1:13-cr-49-CLC-SKL  
KENNETH FAGIN ) 1:14-cr-117-CLC-SKL,  
 ) 1:14-cr-130-CLC-SKL  
 )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw her not guilty plea to Count Two of the eight-count Superseding Indictment in case number 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130; (2) accept Defendant's plea of guilty to Count Two of the Superseding Indictment in case 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130; (3) adjudicate Defendant guilty of the charges set forth in Count Two of the Superseding Indictment in case 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter (Court File No. 132). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 132) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's motion to withdraw his not guilty plea to Count Two of the Superseding Indictment in case 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130 is **GRANTED**;

- (2) Defendant's plea of guilty to Count Two of the Superseding Indictment in case 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130 of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Two of the Superseding Indictment in case 1:13-cr-49, Count Two of the Indictment in case 1:14-cr-117, and Count 1 of the Indictment in case 1:14-cr-130;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter which is scheduled to take place on **June 11, 2015, at 9:00 a.m. [EASTERN]** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**